

Message Text

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ORIGIN IO-14

INFO OCT-01 EUR-12 EA-10 ISO-00 L-03 LAB-04 NEA-10
AF-10 ARA-10 CIAE-00 COME-00 EB-08 INR-10 NSAE-00
SIL-01 MMO-01 SIG-01 OIC-02 SS-15 NSC-05 SP-02
HA-05 /124 R

DRAFTED BY IO/LAB:JLMILLS:OF
APPROVED BY IO:CWMAYNES
DOL:TLINSENMAYER
EA:DHARRIS
NEA:SHOLLY
EUR:DGOOTT
COMM:DPETERSON
L:SSCHWEBEL
S/IL:DGOOD(INFO)

-----012909 141440Z /47

P 141401Z FEB 78
FM SECSTATE WASHDC
TO AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY BONN PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY ROME PRIORITY
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AMEMBASSY REYKJAVIK PRIORITY
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INFO ALL DIPLOMATIC POSTS PRIORITY

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E.O. 11652: NA

TAGS: ILO, ELAB, PORG

SUBJECT: US RELATIONSHIP WITH THE ILO

1. HOST COUNTRIES OF ACTION ADDRESSEES ARE PARTICIPANTS IN THE INDUSTRIAL MARKET ECONOMY COUNTRY (IMEC) GROUP OF ILO MEMBERS. SINCE NOVEMBER 1975, WHEN WE INFORMED THE ILO OF OUR INTENT TO WITHDRAW, THE US HAS CONSULTED FREQUENTLY WITH THESE COUNTRIES. DEVELOPMENTS IN THE ILO IN THE NEXT FIVE MONTHS, IN WHICH IMEC WILL PLAY A CRUCIAL ROLE, WILL HAVE A DECISIVE INFLUENCE ON ANY PROSPECTS FOR US REENTRY. ACTION ADDRESSEES SHOULD SEEK CONVENIENT OPPORTUNITY WITH HOST COUNTRY OFFICIALS TO REVIEW AND PLACE IN PERSPECTIVE CURRENT US RELATIONSHIP WITH THE ILO, DRAWING ON THE FOLLOWING TALKING POINTS. CHOICE OF OFFICIALS TO BE CONTACTED IS LEFT TO YOUR JUDGMENT, BUT APPROACH SHOULD BE MADE AT SENIOR AND POLICY-KNOWLEDGEABLE LEVEL. AT THEIR DISCRETION, INFO ADDRESSEES MAY DRAW ON THIS MESSAGE TO BRIEF HOST GOVERNMENT OFFICIALS - ESPECIALLY IN THOSE COUNTRIES WHICH SUPPORT US RETURN TO THE ILO. PLEASE REPORT ANY SIGNIFICANT REACTIONS.

2. IN ANNOUNCING HIS DECISION ON NOV. 1, 1977 TO LEAVE THE ILO PRESIDENT CARTER EMPHASIZED THAT THE US WOULD RETURN LIMITED OFFICIAL USE
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WHENEVER THE ORGANIZATION IS AGAIN TRUE TO ITS PROPER PRINCIPLES AND PROCEDURES. AS AN EXPRESSION OF US INTEREST IN RETURNING TO THE ILO, THE CABINET-LEVEL COMMITTEE ESTABLISHED TWO YEARS AGO TO ADVISE THE PRESIDENT ON US MEMBERSHIP IN THE ILO IS CONTINUING TO FUNCTION. DEVELOPMENTS WHICH OCCUR BETWEEN NOW AND THE END OF THE 64TH INTERNATIONAL LABOR CONFERENCE IN JUNE WILL HAVE A DECISIVE INFLUENCE ON ANY US DECISION TO RETURN TO THE ORGANIZATION.

3. THROUGHOUT THE PAST TWO YEARS THE US ENJOYED STRONG SUPPORT FROM IMEC MEMBERS IN TRYING TO PROMOTE CONDITIONS WHICH WOULD FACILITATE CONTINUED US MEMBERSHIP IN THE ILO. WE HAVE ALREADY EXPRESSED BUT WISH AGAIN TO EXPRESS OUR APPRECIATION FOR THIS SUPPORT. PRIOR TO THE JUNE 1977 CONFERENCE THERE HAD BEEN SOME PROGRESS TOWARDS A MEANINGFUL REAFFIRMATION OF THE TRADITIONAL PURPOSES AND PRINCIPLES OF THE ILO. IMEC AND SOME OTHER ILO MEMBERS HAVE TOLD US THAT THEY INTEND WITHIN THE ILO TO CONTINUE THIS EFFORT WHETHER OR NOT THE US IS A MEMBER.

4. MOST IMEC MEMBERS AND SOME DEVELOPING COUNTRIES HAVE EXPRESSED A DESIRE TO FACILITATE US REENTRY IN THE ILO. IN ORDER TO BE MORE HELPFUL, SOME COUNTRIES HAVE ASKED THAT WE DEFINE THE CONDITIONS UNDER WHICH THE US WOULD REJOIN. THE CONCERNS CITED IN OUR 1975 NOTICE OF WITHDRAWAL REMAIN RELEVANT TO A DETERMINATION OF WHETHER OR NOT CONDITIONS HAVE

BEEN SATISFIED FOR US REENTRY. WE CANNOT BE PRECISE IN DESCRIBING MINIMUM OR "BOTTOM LINE", CONDITIONS, BECAUSE MUCH DEPENDS ON THE OVERALL BALANCE OF STEPS TAKEN, BUT IT MAY BE HELPFUL TO DESCRIBE SOME OF THE MAJOR ISSUES WHICH WILL BE REVIEWED IN MAKING A DECISION TO REJOIN THE ORGANIZATION.

5. ILO RESTRUCTURING. WE RECOGNIZE THAT IMEC MEMBERS HAVE CONCLUDED THAT MAINTAINING THE EXISTING STRUCTURE OF THE GOVERNING BODY IS IMPOSSIBLE, GIVEN G-77 PRESSURE FOR CHANG-
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ES TO REFLECT THEIR GROWING STRENGTH IN THE ORGANIZATION. WE ARE CONCERNED, HOWEVER, THAT THE RECENT IMEC PROPOSAL TO THE G-77 FOR REAPPORTIONMENT OF GOVERNMENT REPRESENTATION IN THE GOVERNING BODY WOULD SERIOUSLY WEAKEN THE EFFECTIVENESS OF THE GOVERNING BODY AND CREATE PRESSURES WHICH WOULD UNDERMINE THE AUTONOMY AND INDEPENDENCE OF THE WORKER AND EMPLOYER DIVISIONS OF THE ILO'S TRIPARTITE STRUCTURE. INDEED, THE IMMEDIATE RESPONSE OF LDC REPRESENTATIVES IN GENEVA, UPON HEARING DETAILS OF THE EC-9 PROPOSAL, WAS THAT THE SAME REFORMS SHOULD BE APPLIED TO THE WORKERS AND EMPLOYERS. WE BELIEVE THE IMEC PROPOSAL REFLECTS CONCERN FOR THE REPRESENTATION PROBLEMS OF ONE REGION (WESTERN EUROPE) WITHOUT ADEQUATELY RECOGNIZING A BROADER CONCERN FOR PROTECTING THE INTEGRITY OF THE GOVERNING BODY. OUR VIEWS ARE WELL KNOWN TO IMEC MEMBERS AS A RESULT OF RECENT IMEC CONSULTATIONS IN GENEVA, IN WHICH THE US WAS INVITED TO PARTICIPATE. AS A NON-MEMBER, WE DO NOT WISH TO INTERFERE WITH THE RESOLUTION OF THIS COMPLEX ISSUE, BUT OUR FRIENDS IN THE ILO WHO WISH US TO RETURN SHOULD KNOW THAT ACCEPTANCE OF THE IMEC PROPOSAL WILL HAVE A NEGATIVE IMPACT ON PROSPECTS FOR OUR REENTRY.

6. APPLICATION OF CONVENTIONS. ONE OF THE MOST DISCOURAGING ASPECTS OF THE 1977 INTERNATIONAL LABOR CONFERENCE WAS ITS REFUSAL FOR ONLY THE SECOND TIME IN 50 YEARS -- 1974 AND 1977 -- TO ACCEPT THE REPORT OF ITS COMMITTEE ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS (CACR REPORT (FYI: THIS LAST ACTION WAS PARTICULARLY IMPORTANT BECAUSE THAT COMMITTEE'S ACTIVITIES AND ANNUAL REPORT ARE THE PRINCIPAL MEANS BY WHICH THE ILO MONITORS COMPLIANCE BY GOVERNMENTS WITH THEIR OBLIGATIONS UNDER THE TERMS OF RATIFIED ILO CONVENTIONS. GOVERNMENTS ARE REQUIRED TO SUBMIT PERIODIC REPORTS TO THE ILO, WHICH ARE EXAMINED
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FIRST FROM A TECHNICAL AND LEGAL VIEWPOINT BY AN IN-

DEPENDENT COMMITTEE OF EXPERTS, THEN BY THE COMMITTEE ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS. THIS COMMITTEE IS RESPONSIBLE FOR SEEKING SOLUTIONS TO THE IMPERFECTIONS AND PROBLEMS NOTED BY THE COMMITTEE OF EXPERTS. END FYI) THE COMMITTEE'S ANNUAL REPORT IS THE VERY HEART OF THE ILO'S TRADITIONAL WORK IN THE FIELD OF HUMAN RIGHTS AND WAS ESPECIALLY NOTEWORTHY IN 1977 FOR ITS WARNING IN PARAGRAPH 7 AGAINST THE USE OF DOUBLE STANDARDS IN THE APPLICATION OF ILO CONVENTIONS.

7. ACTION ON ANY SINGLE ISSUE WOULD NOT NECESSARILY CREATE CONDITIONS WHICH WOULD ENABLE THE US TO REENTER THE ILO, BUT NO STEP WOULD BE MORE IMPORTANT THAN REPAIRING THE DAMAGE DONE TO THE COMPLIANCE MACHINERY OF THE ILO WHEN THE JUNE 1977 CONFERENCE TOOK THE ALMOST UNPRECEDENTED STEP OF FAILING TO ADOPT THE CACR REPORT. THE 1978 INTERNATIONAL LABOR CONFERENCE WILL NOT CONSIDER THE 1977 CACR REPORT, BUT WE HOPE THAT IT WILL APPROVE A 1978 REPORT WHICH WILL AFFIRM THE BASIC PRINCIPLES CONTAINED IN THE 1977 REPORT, PARTICULARLY THOSE CONCERNING THE UNIVERSAL APPLICATION OF HUMAN RIGHTS STANDARDS. THIS ACTION WOULD BE VIEWED AS A POSITIVE STEP TOWARDS THE GOAL OF RESTORING THE INTEGRITY OF THE ILO'S COMPLIANCE MACHINERY.

8. ILO'S COMPLIANCE MACHINERY IS THREATENED FURTHER BY EFFORTS OF SOME MEMBERS (ESPECIALLY THE USSR AND ITS ALLIES) TO WEAKEN THE CRITERIA BY WHICH THE COMMITTEE ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS CITES ILO MEMBERS FOR INCLUSION ON A SPECIAL LIST FOR PERSISTENT FAILURE TO IMPLEMENT ILO CONVENTIONS (CRITERION 7). IF THESE MEMBERS SHOULD BE SUCCESSFUL IN FURTHER UNDERMINING APPLICATION OF ILO STANDARDS, THE IMPACT ON THE US ATTITUDE

TOWARDS REJOINING THE ILO WOULD BE EXTREMELY NEGATIVE.

9. DUE PROCESS. THE ILO PIONEERED THE ESTABLISHMENT OF LIMITED OFFICIAL USE
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FACT-FINDING AND CONCILIATION MACHINERY FOR THE INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS IN THE LABOR FIELD. THE ONCE ENVIABLE RECORD OF THE ILO IN THE APPLICATION OF DUE PROCESS HAS BEEN MARRED IN RECENT YEARS, HOWEVER, BY THE ADOPTION OF POLITICALLY INSPIRED RESOLUTIONS IN DISREGARD OF THE ESTABLISHED PROCEDURES AND MACHINERY. NOWHERE HAS THIS BEEN MORE MANIFEST THAN IN THE CONDEMNATION WITHOUT INVESTIGATION, OF ISRAEL FOR ALLEGED HUMAN RIGHTS VIOLATIONS IN THE ISRAELI OCCUPIED ARAB TERRITORIES. IT IS NOT OUR POSITION THAT THESE ALLEGATIONS SHOULD BE IGNORED OR SIDETRACKED; RATHER, THEY SHOULD BE DIRECTED INTO ESTABLISHED INVESTIGATIVE CHANNELS ASSURING DUE PROCESS. ONE WAY OF ASSURING THIS AND SIMILAR RESPECT FOR DUE PROCESS IN OTHER CASES WOULD BE

TO AMEND ARTICLE 17 OF THE CONFERENCE STANDING ORDERS TO
PROVIDE FOR MORE ADEQUATE PROCEDURES FOR THE SCREENING AND
PROPER DISPOSITION OF CONFERENCE DRAFT RESOLUTIONS.

10. ALL OF THE ABOVE ISSUES ARE RELATED TO THE BASIC
CONCERNS EXPRESSED IN OUR NOVEMBER 1975 LETTER OF INTENT
TO WITHDRAW. THEY DO NOT CONSTITUTE ALL OF THE SPECIFIC
ISSUES IN THE ILO THAT CONCERN US, NOR CAN WE WHOLLY
ANTICIPATE WHAT NEW ISSUES MAY ARISE TO INFLUENCE OUR
ATTITUDE TOWARD REJOINING THE ILO. THE ENTIRE RECORD WILL
HAVE TO BE WEIGHED IN ANY DECISION TO RETURN, BUT THESE
ISSUES BEAR ON THE PRINCIPAL PROBLEMS. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 26 sep 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RELATIONS WITH INTERNATIONAL ORGS, INTERNATIONAL LABOR ORGANIZATIONS, BRIEFING MATERIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 feb 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE038223
Document Source: ADS
Document Unique ID: 00
Drafter: IO/LAB:JLMILLS:OF
Enclosure: n/a
Executive Order: 11652 NA
Errors: n/a
Expiration:
Film Number: D780067-0814
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197802120/baaafbvq.tel
Line Count: 232
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Message ID: 809db5cf-c288-dd11-92da-001cc4696bcc
Office: ORIGIN IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3475553
Secure: OPEN
Status: NATIVE
Subject: US RELATIONSHIP WITH THE ILO
TAGS: ELAB, PORG, US, ILO
To: BRUSSELS BONN MULTIPLE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/809db5cf-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014